

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 6424

BILL NUMBER: HB 1152

NOTE PREPARED: Jan 27, 2012

BILL AMENDED: Jan 27, 2012

SUBJECT: City and Town Court Jurisdiction.

FIRST AUTHOR: Rep. McClain

FIRST SPONSOR:

BILL STATUS: CR Adopted - 1st House

FUNDS AFFECTED: X **GENERAL**
DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: (Amended) This bill provides that certain city or town courts have jurisdiction over misdemeanors if the judge of the city or town court is an attorney in good standing under the requirements of the Indiana Supreme Court. It requires a judge of the following city and town courts to be an attorney in good standing under the requirements of the Indiana Supreme Court: (1) Clarksville town court. (2) Edgewood town court. (3) Elkhart city court. (4) Goshen city court. (5) Jeffersonville city court. (6) Mooresville town court. (7) Nappanee city court. (8) New Castle city court. (9) Terre Haute city court.

Effective Date: July 1, 2012.

Explanation of State Expenditures:

Explanation of State Revenues: (Revised) Summary- Depending on how much revenue is collected, the state General Fund could gain an estimated \$90,000 annually.

Prosecuting attorneys would no longer be able to file misdemeanor cases in 49 city and town courts in Indiana because the city or town court judge is not included in the statute that requires these city and town court judges to be attorneys. Consequently, these cases would have to be filed in a trial court with criminal jurisdiction in the same county as the city or town court.

The state share of court fees from city and town courts is 55%, while the state share of court fees from trial courts is 70%. The following table uses average annual filings between 2006 and 2010 to estimate the gain to the state General Fund.

Potential Revenue (in \$M) from Added Misdemeanor Filings in Trial Courts											
Number of Filings*		Fee (If Found Guilty)		% Ordered to Pay		% Paying		Potential Revenue (In \$M)	State Share If:		New State Money
									70% (In Trial Court)	55% (In City/town Court)	
9,529	x	\$120	x	67%	x	80%	=	\$0.60	\$0.42	\$0.33	\$0.09
* Based on average filings between 2007 and 2010.											

Explanation of Local Expenditures: (Revised) Transferring misdemeanor cases from selected city and town courts that are not required by statute to be an attorney to the trial courts in the same county would likely mean added workload for trial courts in the counties shown below.

These counties are noted because they have a weighted caseload utilization rate that exceeds the state average. The following table illustrates the added number of judicial officers that would be needed to maintain these counties at their weighted caseloads at the 2010-level workloads.

New Judicial Officers Needed by County					
Madison	Clark	Grant	Johnson	St. Joseph	Totals
1.0	0.2	0.9	0.2	0.1	2.4

(Revised) Background and Method – IC 33-35-5-7 requires the judges of the following 19 city and town courts to be attorneys in good standing under the requirements of the Supreme Court. The counties in which these cities and towns are located would not be affected by this bill.

City and Town Courts Currently Required to have a Judge who is an Attorney			
Anderson	East Chicago	Lake Station	Noblesville
Avon	Gary	Lowell	Plainfield
Brownsburg	Greenwood	Martinsville	Schererville
Carmel	Hammond	Merrillville	Whiting
Crown Point	Hobart	Muncie	

The nine courts listed in the following table would be required to have judges who are attorneys under IC 33-35-5-7. Counties in which these city and town courts are located would also not be affected by this bill.

New City and Town Courts That Would Be Required to have a Judge who is an Attorney		
Clarksville	Goshen	Nappanee
Edgewood	Jeffersonville	New Castle
Elkhart	Mooresville	Terre Haute

These city and town courts are not required to have an attorney in good standing with the Supreme Court to be a judge. Counties in which these cities or towns are located **would be** affected by this bill.

City and Town Courts Not Required to Have a Judge who is an Attorney						
Alexandria	Bunker Hill	Dunkirk	Hagerstown	Monon	Roanoke	Wabash
Attica	Burlington	Edgewood	Jamestown	Mooreville	Sellersburg	Walkerton
Aurora	Butler	Elwood	Knightstown	N. Manchester	Sharpsville	West Lafayette
Batesville	Charles	Frankfort	Knox	New Haven	Thorn	Whites
Beech Grove	Clinton	Franklin	Lawrenceburg	Pendleton	Tipton	Winchester
Bicknell	Delphi	Fremont	Lebanon	Peru	Union	York
Bluffton	Demotte	Gas City	Marion	Portland	Versailles	Zionsville

The following table shows the average number of misdemeanors filed in city and town courts according to whether the judge of the court is required to be an attorney in good standing with the Indiana Supreme Court:

City and Town Court in Which the Judge is Required to be Attorney		
	Required	Not Required
City and Town Courts	28	49
Misdemeanors Filed ¹	36,345	9,529
¹ Annual average between 2007 and CY 2010.		

Estimated Shift in Workload to Trial Courts – In the first table in the *Explanation of Local Expenditures*, above, LSA used the reported weighted caseloads which are published in the 2010 *Indiana Judicial Report* to determine whether the county is one in which these city and towns are located and would need more judicial officers because of the added misdemeanors.

The Weighted Caseload methodology assumes that each misdemeanor takes roughly 40 minutes on average to dispose. LSA recalculated the county's weighted caseload by adding the new judicial officers who might be needed. If the recalculated weighted caseload was less than the state average (1.35), then LSA assumed that no additional judicial officers would be needed. If the new weighted caseload exceeded the statewide average, then the added judicial officers were included in this table.

Explanation of Local Revenues: (Revised) Revenue from court fees would shift from city and town general funds to county general funds in the counties shown in the following table.

The potential revenue transfer could mean a change of the following amounts.

Revenue Shift in Court Fees			
County	City and Town General Fund	County General Fund	Net Effect on Local Units
Boone	(\$312)	\$99	(\$213)
Clark	(\$8,518)	\$2,711	(\$5,807)
Clinton	(\$142)	\$45	(\$97)
Dearborn	(\$410)	\$131	(\$279)
Dekalb	(\$2,208)	\$702	(\$1,506)
Delaware	(\$6,580)	\$2,093	(\$4,487)
Fountain	(\$2,009)	\$639	(\$1,370)
Grant	(\$30,254)	\$9,626	(\$20,628)
Henry	(\$9,084)	\$2,890	(\$6,194)
Jay	(\$3,340)	\$1,063	(\$2,277)
Johnson	(\$9,339)	\$2,972	(\$6,367)
Madison	(\$26,787)	\$8,523	(\$18,264)
Miami	(\$1,995)	\$635	(\$1,360)
Randolph	(\$2,038)	\$649	(\$1,389)
Ripley	(\$510)	\$162	(\$348)
St. Joseph	(\$5,972)	\$1,900	(\$4,072)
Starke	(\$10,457)	\$3,328	(\$7,129)
Steuben	(\$722)	\$230	(\$492)
Tippecanoe	(\$807)	\$257	(\$550)
Tipton	(\$3,042)	\$968	(\$2,074)
Vermillion	(\$10,315)	\$3,282	(\$7,033)
Grand Total	(\$134,839)	\$42,903	(\$91,936)

State Agencies Affected: Division of State Court Administration.

Local Agencies Affected: City and town courts, trial courts.

Information Sources: IC 33-35-5-7, *Indiana Judicial Reports*, Division of State Court Administration.

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